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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,530	09/23/2003	Annie Shurn	149-0032US-C	1881
29855	7590	06/18/2004	EXAMINER	
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			BARQADLE, YASIN M	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/668,530	Applicant(s) SHUM, ANNIE	
	Examiner Yasin M Barqadle	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Claims 1-24 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillies et al US (6253211) in view of Buckley US (6163809).

As per claim 1, Gillies et al disclose a method of tracking messages in an electronic mail messaging system [Fig. 1], wherein the electronic mail messaging system includes a plurality of (application) servers [Fig. 1, Application servers 40, 50, 60 and 70], the method comprising:

logging message header information regarding an email message transferred through a first one of said plurality of servers in a log file [Col. 4, lines 33-67 and Col. 5, lines 1-67; Col. 6, lines 36-55];

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examining the message header information regarding the email message [Col. 6, lines 36-67 and Col. 7, lines 1-32];

correlating the message header information (statistics are recorded and filtered messages are analyzed to identify operational and routing problems) with message header information in log files from other ones of said plurality of (messaging) servers through which the message has transferred to determine an end-to-end message flow information for the messages [Col. 4, lines 48-67 and Col. 5, lines 1-50 and Col. 6, lines 36 to col. 7, line 32]; and

storing the message flow information in a database [Col. 4, lines 48-67 and Col. 5, lines 1-67. See also Col. 6, lines 36-55].

Although Gillies et al shows substantial features of the claimed invention including a message tracking system that is implemented in a distributed data processing and messaging system such as cc:Mail and Lotus notes, he does not specifically show a Microsoft Exchange Messaging System.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Gillies et al, as evidenced by Buckley US. (6163809).

In analogous art, Buckley disclose a messaging system that track message flow between networks and where the messaging system uses Microsoft Exchange Messaging System [Col. 9, lines 1-23]. Giving the teaching of Buckley, a person of ordinary skill in the art would have readily recognized the desirability

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and the advantage of modifying Gillies et al by employing Buckley's Microsoft Exchange Messaging system to have the benefit of exchanging and transferring email and other information within and among various servers on one or more networks [Col. 9, lines 1-23].

As per claims 2 and 13, Gillies et al disclose the invention wherein the message flow information is useable in adjusting a configuration of the electronic mail messaging system [Col.5, lines 3-67 and Col. 6, lines 1-55].

As per claims 3 and 14, Gillies et al disclose the invention further comprising:

adjusting a configuration of the electronic mail messaging system in response to said message flow information [Col.5, lines 3-67 and Col. 6, lines 1-55].

As per claims 4, 15 and 21, Gillies et al disclose the invention further comprising:

generating one or more reports using the message flow information [Col. 8, lines 59-67 and Col. 9, lines 1-12].

As per claims 5 and 16, Gillies et al disclose the invention wherein the reports generated using the message flow information include end-to-end message delivery times [Col. 8, lines 59-67 and Col. 9, lines 1-12, see Appendix A].

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As per claims 6 and 17, Gillies et al disclose the invention wherein the message information includes two or more of a message id, source server name, destination server name, time stamp information, and size information [Col. 8, lines 59-67 and Col. 9, lines 1-12. See also Appendix A on Col. 11, where server name time and other message information is shown].

As per claim 7 and 18, Gillies et al as modified disclose the invention, further comprising:

transferring the message header information from each of the plurality of Microsoft Exchange servers to a central console prior to said examining [Col. 7, lines 12-32].

wherein the central console performs said examining, said correlating, and said storing [Col. 7, lines 12-32].

As per claims 8, Gillies et al as modified disclose the invention further comprising:

enabling message tracking logs in each of the plurality of Microsoft Exchange servers [Col. 4, lines 33-67 and Col. 5, lines 1-67];

collecting and storing the message header information at each of the plurality of (application) servers [Col. 4, lines 33-67 and Col. 5, lines 1-67];

transferring the message header information from each of the plurality of Microsoft Exchange servers to a central console

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prior to said examining [Col. 4, lines 33-67 and Col. 5, lines 1-67; Col. 7, lines 12-32];

wherein the central console performs said examining, said correlating, and said storing [Col. 6, lines 36 to col. 7, line 32].

As per claims 9 and 19 Gillies et al disclose the invention wherein the message originates from a sender server of a client who sends the message, wherein the message propagates through zero or more intermediate servers, and then arrives at a recipient server of a recipient of the message [Col. 8, lines 59-67 and Col. 9, lines 1-12. See also Appendix A on Col. 11, where server name, time and other message information is shown];

wherein said correlating the message header information to determine an end-to-end message flow for each of the messages comprises, for each message, reconstructing the message flow of the message from a sender server to a recipient server [Col. 8, lines 59-67 and Col. 9, lines 1-12. See also Appendix A on Col. 11].

As per claims 10 and 20, Gillies et al disclose the invention wherein said correlating the message information includes:

a) examining first message header information of a first message from a first server [Col. 8, lines 59-67 and Col. 9, lines 1-12. See also Appendix A on Col. 11, where server name, time and other message information is shown];

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b) determining time stamp information of the first message using the first message header information [reports generated include elapsed time across each mail Server en route Col. 8, lines 59-67 and Col. 9, lines 1-12. See also Appendix A on Col. 11];

c) determining a destination server of the message using the first message header information, wherein the destination server becomes the first server [inherently, as messages go from server to server it will reach the destination server Col. 8, lines 59-67 and Col. 9, lines 1-12. See also Appendix A on Col. 11];

d) repeating said steps a one or more times until the destination server is the recipient server of the message; and generating message flow information for the first message [Col. 8, lines 59-67 and Col. 9, lines 1-12. See also Appendix A on Col. 11].

As per claim 11, Gillies et al as modified disclose the invention wherein the end-to-end message flow comprises a sequence of entrances and exits through one or more of said plurality of Microsoft Exchange servers as well as through one or more network links that connect two or more of said Microsoft Exchange servers [Col. 8, lines 59-67 and Col. 9, lines 1-12. See also Appendix A on Col. 11].

As per claims 12, Gillies et al disclose a system for tracking messages in an electronic mail messaging system, wherein the



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electronic mail messaging system includes a plurality of (application) servers, the system comprising:

- a CPU [Col. 6, lines 21-35];

- a memory medium coupled to the CPU which stores a message tracking program, wherein the message tracking program is executable to [Col. 6, lines 21-35]:

- logging message header information regarding an email message transferred through a first one of said plurality of (application) server in a log file; [Col. 4, lines 33-67 and Col. 5, lines 1-67; Col. 6, lines 36-55];

- examining the message header information regarding the email message [Col. 8, lines 59-67 and Col. 9, lines 1-12. See also Appendix A on Col. 11, where server name, time and other message information is shown];

- correlating the message header information (statistics are recorded and filtered messages are analyzed to identify operational and routing problems) of the message header information in log files from other ones of said plurality of (application) servers through which the message has transferred to determine an end-to-end message flow information for the messages [Col. 5, lines 24-67 and Col. 6, lines 36-55]; and

- store message flow information in a database [Col. 4, lines 48-67 and Col. 5, lines 1-67. See also Col. 6, lines 36-55].

As for the limitation of using Microsoft Exchange see claim 1 above.

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As per claim 22, Gillies et al disclose a system for tracking messages in an electronic mail messaging system, the system comprising:

a plurality of (application) servers [Fig. 1, servers 40,50,60 and 70], wherein each respective (application) server logs message information regarding messages header transferred through the respective (application) server [Col. 4, lines 1-40];

a plurality of software agents, wherein each of the plurality of software agents is comprised in one of the (application) servers [Col. 4, lines 41-65; Col. 5, lines 24-67];

a central console coupled to each of the plurality of software agents [Fig. 1, DSM 10; Col. 4, lines 33 to Col. 5, line 49];

wherein each of the plurality of software agents is operable to transfer the message information from each of the plurality of (application) servers to the central console [Col. 4, lines 33-67 and Col. 5, lines 1-67];

wherein the central console is operable to:

examine the message header information regarding the messages transferred through each of the (application) servers [Col. 4, lines 33-67 and Col. 5, lines 1-67; Col. 6, lines 36-55];

correlate the message information (statistics are recorded and filtered messages are analyzed to identify operational and routing problems) to determine an end-to-end message flow for each of the messages [Col. 5, lines 24-67 and Col. 6, lines 36-55]; and

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store message flow information in a database in response to said correlating [Col. 4, lines 48-67 and Col. 5, lines 1-67. See also Col. 6, lines 36-55].

As for the limitation of using Microsoft Exchange see claim 1 above.

As per claim 23, Gillies teaches a medium which stores program instructions wherein the program instructions are executed to implement the method in Claim 1 [Col. 6, lines 21-35].

As per claim 24, Gillies et al disclose a carrier medium as explained above wherein the carrier medium is a memory medium [Col. 6, lines 21-39].

### **Conclusion**

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-4792. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

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**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**